IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Bail Appl..No. 1928 of 2007()

CRIME NO.143/2006 OF NEDUMANGAD EXCISE RANGE

: PETITIONER/ACCUSED NO.3 (IN CUSTODY)

ANILKUMAR, S/O.KRISHNAN NADAR,
ANIL BHAVAN, KOODALI BHAGAM THADATHARIKATHU
VEEDU, KOTTAKKAKAM MURI, ARYANAD VILLAGE,
NEDUMANGAD.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS: COMPLAINANT

THE EXCISE INSPECTOR,
NEDUMANGAD REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application Nos. 1928/2007 & 1930/2007

Dated this 29th day of March, 2007

O R D E R

The common petitioner in these two applications for regular bail is the third accused in C.R.No.143/2006 of Nedumangad Excise Range for offences punishable under Sections 8(2) and 55(g) of the Abkari Act for allegedly having been found in possession of 30 litres of illicit arrack on 21.12.2006 at 11.00 a.m and the second accused in C.R.No.92/2005 of the very same Excise Range for offences punishable under Sections 55(g) and 64-A of the Abkari Act for allegedly having been found in possession of 1800 litres of wash on 25.11.2005.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that at the time of the alleged occurrence in C.R.No.143/2006, he was before the Assistant Sessions Court, Nedumangadu, where he was acquitted in S.C.No.587/2002. It is similarly too early to accept the petitioner's contention that he had nothing to do with the recovery of wash in C.R.No.92/2005.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

These Applications are accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs